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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/047,341      | 01/15/2002  | Carl E. Rogers       | 1690                | 5083             |
| 28004           | 7590        | 11/04/2005           | EXAMINER            |                  |
|                 |             |                      | ELAHEE, MD S        |                  |
|                 |             |                      | ART UNIT            | PAPER NUMBER     |
|                 |             |                      | 2645                |                  |

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/047,341             | ROGERS ET AL.       |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Md S. Elahee           | 2645                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### *Response to Amendment*

1. This action is responsive to an amendment filed 08/18/05. Applicant filed terminal disclaimer, therefore double patenting rejection has been withdrawn. No Claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-20 are still pending in this application, with claims 1 and 11 being independent.

### *Response to Arguments*

2. Applicant's arguments filed regarding claims 1-20 have been fully considered but they are not persuasive.

Regarding claims 1 and 11, the Applicant argues on page 3, lines 9-12, 14-17 that "The switching system in Voit does not route the call to a service platform", "Voit does not use a service platform to prompt the user", "Voit does not use a service platform to transfer the user collected data to the SCP" and "Voit does not have a destination processor." The examiner disagrees with this argument. Voit does teach that the switching system routes the call to an intelligent peripheral (IP) [i.e., service platform] (see col.12, lines 28-34, col.14, lines 30-35), a service platform is used to prompt the user as well as to transfer the user collected data to the SCP (see col.12, lines 28-34, col.14, lines 15-35) and a call server [i.e., destination processor] (see fig.4, item 12). The Applicant further argues on page 3, lines 16,17 that "Becker does not transfer user collected information to the destination processor". The examiner disagrees with this argument. Examiner relied on Becker for the teaching of transferring the destination routing instruction to the switching system (see col.4, lines 12-29). Thus the rejection of the claims in view of Voit and Becker will remain.

In view of the Applicant's remarks, it is agreed that Nelson does not teach "collecting caller-entered information from a caller over the call in response to the prompt message" as disclosed in claims 1 and 11.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 2, 6, 8, 11, 12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448).

Regarding claims 1 and 11, Voit teaches that in a switching system, routing a call to an intelligent peripheral (IP) [i.e., service platform] (fig.4, 9; col.12, lines 28-34, col.14, lines 30-35).

Voit further teaches that in the intelligent peripheral (IP), transferring a announcement [i.e., prompt message] over the call, collecting caller-entered information from a caller over the call in response to the announcement, and transferring the caller-entered information to a Service Control Point (SCP) system (fig.4, 7, 9; col.12, lines 28-34, col.14, lines 15-35).

Voit further teaches transferring the caller-entered information to a call server [i.e., destination processor] (fig.7-9; col.13, lines 59-64, col.14, lines 30-54, col.15, lines 1-17).

However, Voit does not specifically teach “in the SCP system, transferring the caller-entered information to a destination processor, processing a destination routing code from the destination processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system”. Becker teaches that in the SCP system, transferring the caller-entered information to an AIN Processor [i.e., destination processor], processing a destination routing code from the AIN Processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system (fig.1; col.4, lines 12-29). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit to incorporate the SCP system transferring the

caller-entered information to a destination processor, processing a destination routing code from the destination processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system as taught by Becker. The motivation for the modification is to have doing so in order to route the call to a designated destination without any inconvenience.

Voit further teaches that in the switching system, routing the call to an ACD group [i.e., destination] in response to the destination routing instruction (fig.10, item SS11; col.15, lines 1-17).

Regarding claims 2 and 12, Voit teaches destination processor selects the destination routing code based on the caller-entered information (fig.7-9; col.14, lines 30-54, col.15, lines 1-17).

Regarding claims 6 and 16, Voit teaches that the caller-entered information comprises a ANI [i.e., caller identification number] or a caller account number (col.4, lines 56-67, col.12, lines 28-34, col.14, lines 63-65).

Regarding claims 8 and 18, Voit teaches that in the switching system, removing inherently the intelligent peripheral (IP) from the call after the intelligent peripheral (IP) collects the caller-entered information (col.12, lines 28-34, col.14, lines 30-54).

7. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448) further in view of Latter et al. (U.S. Patent No. 6,574,319).

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Regarding claims 3 and 13, Voit teaches that in the intelligent peripheral (IP), transferring a queue status variable [i.e., tracking number] to the SCP system with the caller-entered information, initiating a second call to the switching system and transferring the queue status variable to the switching system with the second call (col.12, lines 28-34, col.14, lines 30-35).

However, Voit in view of Becker does not specifically teach "connecting the first call to the second call". Latter teaches connecting the first call to the second call (col.10, lines 4-8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit in view of Becker to connect the first call to the second call as taught by Latter. The motivation for the modification is to have doing so in order to complete the call.

Voit further teaches that in a switching system, transferring an SCP query for the second call to the SCP system (col.12, lines 28-34).

Voit further teaches in the SCP system, in the SCP system, correlating the SCP query with the caller-entered information based on the tracking number and processing the SCP query to transfer the caller-entered information to the destination processor (col.12, lines 28-34, col.14, lines 30-35).

Voit further teaches that in the switching system, routing the first call to the subscriber comprises routing the second call to the subscriber in response to the destination routing instruction (col.9, lines 43-49, 65-67, col.10, lines 1-3; 'subscriber' reads on the claim 'destination').

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Regarding claims 4 and 14, Voit teaches that in the intelligent peripheral (IP), initiating the second call comprises using a different telephone number than the caller used to place the first call (fig.7-9; col.12, lines 28-34, col.14, lines 30-54, col.15, lines 1-17).

Regarding claims 5 and 15, Voit teaches that in the intelligent peripheral (IP), transferring the prompt message comprises applying a call processing record (CPR) (i.e., call processing script), and wherein, the CPR indicates the different telephone number (fig.7-9; col.12, lines 28-34, col.14, lines 30-54, col.15, lines 1-8).

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448) further in view of Sbisa et al. (U.S. Patent No. 6,470,081).

Regarding claims 7 and 17, Voit in view of Becker fails to teach “the caller-entered information comprises a frequent flyer number”. Sbisa teaches the caller-entered information comprising a frequent flyer number (col.9, lines 14-21). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit in view of Becker to have the caller-entered information comprising a frequent flyer number as taught by Sbisa. The motivation for the modification is to have doing so in order to process a particular call.

9. Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448) further in view of Morrisey et al. (U.S. Patent No. 5,524,146).

Regarding claims 9 and 19, Voit teaches that in the SCP system, the destination processor selects the destination routing code based on the ANI (col.14, lines 63-65, col.15, lines 1-17).

However, Voit in view of Becker does not specifically teach transferring an Automatic Number Identification (ANI) to the destination processor. Morrisey teaches forwarding [i.e., transferring] an Automatic Number Identification (ANI) to the tandem [i.e., destination processor](col.13, lines 34-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit in view of Becker to transfer an Automatic Number Identification (ANI) to the destination processor as taught by Morrisey. The motivation for the modification is to have doing so in order to provide identification of the calling party.

Regarding claims 10 and 20, Voit teaches that the destination correlates the caller-entered information with the call received into the destination based on the ANI (col.14, lines 63-65, col.15, lines 1-17).

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pula (US Patent No. 5,208,848) teach Telecommunications call processing, Shah et al. (US Patent No. 6,175,618) teach ANI based routing and Pula (US Patent No. 6,567,659) teach Telecommunications service control point with digit collection logic.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO